

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALFREDO MEJIA,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
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CHEN, United States District Judge:

Petitioner, presently incarcerated at Reeves County Detention Center III, located in Pecos, Texas, files the instant *pro se* petition pursuant to 28 U.S.C. § 2241 challenging the computation of his sentence. A petition brought pursuant to 28 U.S.C. § 2241 must be filed in the United States district court where the petitioner is incarcerated. See 28 U.S.C. §§ 2241(a) (providing federal courts with power to grant a writ of habeas corpus only “within their respective jurisdictions.”). This requirement is jurisdictional. Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.”); Ezeigwe v. Holder, No. 12–CV–2200, 2012 WL 1965403, at *2 (E.D.N.Y. May. 29, 2012). Here, the Court lacks jurisdiction to adjudicate petitioner’s claims as petitioner is presently confined in the Western District of Texas.

Conclusion

Accordingly, the Clerk of Court is directed to transfer this case to the United States District Court for the Western District of Texas for further proceedings. 28 U.S.C. § 1406(a). A ruling on petitioner’s application to proceed *in forma pauperis* (“IFP”) is reserved for the

transferee Court. That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven day delay is waived.

SO ORDERED.

s/PKC

PAMELA K. CHEN
United States District Judge

Dated: June 19, 2013
Brooklyn, New York